

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MOTION TO STRIKE NOTICE OF DISMISSAL [ECF 10]

NOW COMES Plaintiff, Nautilus Insurance Company (“Nautilus”), by and through its attorneys, Dana A. Rice and Jeremy S. Macklin of TRAUB LIEBERMAN STRAUS & SHREWSBERRY LLP, and for its Motion to Strike the Notice of Dismissal [ECF 10] states as follows:

1. It is Nautilus' intention to dismiss this action without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), no opposing party having served an answer or a motion for summary judgment, the underlying lawsuit giving rise to this insurance coverage action having been dismissed without prejudice.

2. On July 18, 2024, at approximately 9:18 a.m., Nautilus filed a Notice of Dismissal without prejudice, but it inadvertently titled the document as a “Notice of Dismissal with Prejudice.” [ECF 10].

3. Immediately upon discovering this error, at 9:31 a.m. on July 18, 2024, Nautilus filed the same Notice of Dismissal without prejudice, but correctly titled the document as a “Notice of Dismissal Without Prejudice.” [ECF 11].

4. Nautilus respectfully requests that the Court strike Document No. 10, the title of which incorrectly describes the document filed.

WHEREFORE, for the reasons stated herein, Plaintiff, Nautilus Insurance Company, respectfully requests that the Court strike Document No. 10 from the docket, the document having been filed in error and corrected by Document No. 11.

Dated: July 18, 2024

Respectfully submitted,

TRAUB LIEBERMAN STRAUS
& SHREWSBERRY LLP

By: /s/ Jeremy S. Macklin

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CERTIFICATE OF SERVICE

I hereby certify that on July 18, 2024, I electronically filed the above with the Clerk of the Court using the CM/ECF system which will send notification of such filing(s) to all counsel of record.

/s/ Jeremy S. Macklin

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